

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CUTBERTO VIRAMONTES, *et al.*,)
Plaintiffs,) No. 21 CV 4595
v.) Judge Rebecca R. Pallmeyer
THE COUNTY OF COOK, *et al.*,) Magistrate Judge Susan E. Cox
Defendants.)

DEFENDANTS' MOTION FOR LEAVE TO AMEND ANSWER

Defendants, Thomas Dart, in his official capacity as Sheriff of Cook County; Kimberly Foxx, in her official capacity as the Cook County State's Attorney; Toni Preckwinkle, in her official capacity as Cook County Board President; and Cook County (collectively "Defendants"), by their attorney, Kimberly M. Foxx, State's Attorney of Cook County, and through her Assistant State's Attorney, Megan Honingford, pursuant to F.R.C.P. 15(a)(2) for their motion for leave to amend their answer state as follows:

1. Plaintiffs initiated this action on August 27, 2021. (ECF No. 1.)
2. On November 15, 2021, Defendants filed their answer to Plaintiffs' complaint. (ECF No. 17.)
3. The parties have been engaged in discovery since approximately January 2022. Dispositive motions have not yet been filed, and a trial date has not been set.
4. Defendants wish to amend their answer in order to correctly address the use of specific terminology in the complaint, based on their reading of the legal standard set forth in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022). A copy of Defendants' proposed amended complaint is attached hereto as Exhibit 1.

5. Defendants' amended answer does not substantively change any position Defendants have taken and does not assert any new affirmative defenses. Defendants do not seek to admit any fact that was previously denied or vice versa. The amended answer only includes changes that will correct certain terminology.
6. Allowing this amendment will not cause any delay to litigation or prejudice any party or necessitate any changes to the schedule currently in place (ECF No. 46).
7. Plaintiffs do not object to this motion.

WHEREFORE, Defendants Thomas Dart, Kimberly Foxx, Toni Preckwinkle, and Cook County request that this Court grant them leave to file their amended answer and any other relief the Court deems just and proper.

Dated: November 4, 2022

Respectfully Submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

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